

FROM :

FAX NO. : 7196336225

Sep. 08 2010 02:20PM P5

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CENTRAL FAX CENTER Appl. No. 10/684,312

SEP 08 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

SCHNEIDER, D. G.

Serial No.: 10/684,312

Art Unit: 3743

Filed: October 10, 2003

Examiner: S. Gravini

Atty Docket: DGS001

Confirmation No: 3321

For: COLLAPSIBLE HEATING APPARATUS

INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)

Assistant Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following responsive Interview Summary as required to make of written record before the Office the substance of the telephonic interview that occurred on September 3, 2010.

A copy of the Applicant Initiated Interview Request Form is attached hereto. References to the 'Applicant' below are understood to mean the named Applicant or a representative duly acting on Applicant's behalf.

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## INTERVIEW SUMMARY BY APPLICANT

Applicant thanks Examiner Gravini for the courtesy extended in a recent telephonic interview conducted on September 3, 2010. The substance of this interview is summarized as follows:

Applicant's representative, Frank McKiel, Jr., and Examiner Stephen Gravini discussed the rejection of independent claim 17 under 35 U.S.C. §112. Applicant's representative believes that agreement was reached as to the recited "user-selectable variable configuration" language, arriving at an understanding generally comporting with the "end user-type kit" interpretation as expressed by the Examiner in an interview summary mailed on or about 12/23/2009.

Mr. McKiel inquired as to the status of claims 25-27 which were not explicitly called out in the rejection remarks, perhaps overlooked. For expediency, Mr. McKiel declined to have the Examiner issue a corrected Action just to address those specific claims and agreed to consider and, as necessary, rebut the applicability of the other points of rejection to those claims.

With respect to the §102 rejection of claims 17-22 in view of new reference Smith (US 4,619,190), Mr. McKiel explained some features of the claimed invention believed to differentiate from the Smith teachings. Mr. McKiel sought to better understand the basis of the Examiner's position. No conclusion or specific agreement was reached.

As to the §103 rejection of claims 23-24 based upon Smith in view of Gilbert, Mr. McKiel and Examiner Gravini concluded that the Gilbert reference was an error and that the intended reference, based on the line-number alignment of the cited passages and existence of a Fig 7, was instead Christen (U.S. Patent 3,856,374). No other substantive agreement was reached as to the §103 rejections.

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**CONCLUSION**

Applicant respectfully submits this Interview Summary as a true and accurate representation of what transpired during the telephonic interview. Applicant appreciates the suggestions and points raised by the Examiner, yet also respectfully asks the Examiner to reconsider the allowability of the claims in view of arguments and explanations provided during the conversation, as well as further remarks and/or amendments that Applicant sets forth in a separate Amendment/Reply filed herewith.

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Respectfully submitted,

Frank McKiel, Jr.  
Reg. No. 43,792

Date: SEPT 8, 2010

- 3 -

Doc Code: M865 or FAI.REQ.INTV

Approved for use through 07/31/2012. OMB 0651-0091  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**

Application No.: <u>10/684,312</u>	First Named Applicant: <u>SCHNEIDER</u>	PTOL-413A (08-10)			
Examiner: <u>GRAVINI, STEPHEN</u>	Art Unit: <u>3743</u>	Status of Application: <u>PENDING</u>			
<b>Tentative Participants:</b> (1) Examiner Gravini      (2) <u>Frank McKiel</u>					
(3) _____      (4) _____					
Proposed Date of Interview: <u>August 31, 2010</u>	Proposed Time: <u>11 AM ET</u> (AM/PM)				
Type of Interview Requested: (1) <input checked="" type="checkbox"/> Telephonic      (2) <input type="checkbox"/> Personal      (3) <input type="checkbox"/> Video Conference					
Exhibit To Be Shown or Demonstrated: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, provide brief description: _____					
<b>Issues To Be Discussed</b>					
Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102 Rej.</u>	<u>17-22</u>	<u>Smith 4619190</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) <u>103 Rej.</u>	<u>23-24</u>	<u>Smith+Gilbert '344</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(3) _____	_____	_____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached <input type="checkbox"/> Proposed Amendment or Arguments Attached					
Brief Description of Arguments to be Presented: <u>Discuss applicability of Smith reference, inadequate combination with Gilbert. Misquotation/misapplication of Applicant's claims. New proposed claim(s) will be sent via fax prior to interview.</u>					
An interview was conducted on the above-identified application on _____					
<p><b>NOTE:</b> This form should be completed and filed by applicant in advance of the interview (see MPKP § 713.01). If this form is signed by a registered practitioner not of record, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal (37 CFR 1.32(a)(3)) pursuant to 37 CFR 1.34. This is not a power of attorney to sign above named practitioner. See the Instruction Sheet for this form, which is incorporated by reference. By signing this form, applicant or practitioner is certifying that he or she has read the Instruction Sheet and agrees that while the practitioner is conducting the interview, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible. This application will not be delayed from issuance because of applicant's failure to submit a written record of this interview.</p>					
 Applicant/Applicant's Representative Signature <u>Frank McKiel, Jr.</u>			 Examiner/SPE Signature		
Typed/Printed Name of Applicant or Representative <u>43,792</u>					
Registration Number, if applicable					

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to be lend by the USPTO. It is being collected by the U.S. Patent and Trademark Office (USPTO) under the authority of 35 U.S.C. 111 and 3.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the information and completing forms. This collection is required to prevent the public from burdening the USPTO with unnecessary information. The public may refuse to respond to this collection unless it believes it to be necessary. Please note that the USPTO will not accept a signed copy of this form if it is submitted without the signature of the applicant or practitioner. The USPTO does not discriminate on the basis of race, color, national origin, gender, age, disability, or political affiliation. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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